

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

| | | |
|----------------------------|---|------------------------------|
| IN RE: |) | |
| |) | |
| JOHN C. EASTMAN and |) | CASE NO. 17-31021-SHB |
| VELA E. EASTMAN |) | |
| |) | Chapter 7 |
| Debtors. |) | |

**AMENDED TRUSTEE'S APPLICATION TO EMPLOY SPECIAL COUNSEL,
KEVIN EDWARDS AND FREESE & GOSS PLLC,
NUNC PRO TUNC PURSUANT TO E.D. TENN. LBR 2014-1**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a hearing will be held on the Amended Trustee's Application to Employ Special Counsel Nunc Pro Tunc Pursuant to E.D. Tenn. LBR 2014-1 on Thursday, March 8, 2018, at 9:00 a.m., in the Bankruptcy Courtroom 1-C, located at the Howard H. Baker, Jr. U.S. Courthouse, 800 Market Street, Knoxville, Tennessee 37902.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

The Amended Application of John P. Newton, Jr. respectfully alleges:

1. That John P. Newton, Jr. is the Trustee in this case.
2. The Trustee requires legal counsel to assist in the resolution of the Debtor's (John Eastman's) ongoing product liability claim against Rex Medical LLP, et al.
3. Presently, four separate firms are handling the claim on the Debtor's behalf: 1.) Julie Rhoades and Matthews & Associates, 2.) Kevin Edwards and Freese & Goss PLLC, 3.) Rosemary Pinto and Feldman & Pinto, and 4.) Matthew Daniel and Ferrer Poirot, Wansbrough,

Feller, Daniel, Abney & Linville (hereafter "Ferrer Poirot").

4. That Kevin Edwards and Freese & Goss PLLC be authorized to act as Counsel for the Trustee because of their knowledge in this field and experience in the current proceeding.

Applicant feels that said attorney/firm is well qualified to render the foregoing services.

5. The Court has the power to authorize said employment pursuant to 11 U.S.C. Section 327(e).

6. The parties referenced in paragraph #3 are sharing compensation in the following manner:

The four firms will charge a 40% contingency fee plus out-of-pocket expenses. From that percentage, 22.5% will go to Matthews & Associates, 22.5% to Freese & Goss PLLC, 10% to Feldman & Pinto and 45% to Ferrer & Poirot.

WHEREFORE, the Trustee prays that Kevin Edwards and Freese & Goss PLLC be authorized to act as Counsel for the estate, *nunc pro tunc* to the bankruptcy petition date pursuant to E.D. Tenn. LBR 2014-1, with compensation for such legal services to be paid as an administrative expense in such amounts as this Court may hereafter determine and allow.

Dated this 2nd day of February, 2018.

/s/ John P. Newton, Jr.

John P. Newton, Jr., Trustee
Law Office of Mayer & Newton
1111 Northshore Drive, Suite S-570
Knoxville, TN 37919

CERTIFICATE OF SERVICE

I, John P. Newton, Jr., hereby certify that a true and correct copy of the foregoing Amended Trustee's Application to Employ Special Counsel and Proposed Order has been served on all creditors/parties in interest on the attached mailing matrix as follows either by Electronic Case Filing (ECF), Email and/or United States Mail (postage prepaid) this the 2nd day of February, 2018.

Tiffany DiIorio (EMAIL)
Attorney for U.S. Trustee

Cynthia Lawson, Esq. (ECF)
Attorney for Debtors

/s/ John P. Newton, Jr.
John P. Newton, Jr., Trustee